

AMENDED IN ASSEMBLY FEBRUARY 16, 2006

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 847

Introduced by Senator Ducheny

February 22, 2005

An act ~~relating to teachers to amend Section 87482.5 of the Education Code, relating to community colleges.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 847, as amended, Ducheny. ~~Career technical education: highly qualified teachers-Community colleges: faculty.~~

Existing

(1) Existing law requires the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession, and requires the commission to award teaching credentials, including credentials for teaching adult education and vocational education classes establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not

be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

~~This bill would require the Commission on Teacher Credentialing, in consultation with the State Department of Education, to adopt regulations to ensure that a teacher assigned to provide instruction in a career technical education course is highly qualified, as defined. The bill would provide that these regulations may not require a person who teaches a career technical education course that does not include instruction in a core academic subject to be highly qualified, as defined.~~

This bill would raise to 80% the maximum percentage of the hours per week of a full-time employee having comparable duties that a person employed to teach adult or community college classes could teach, while continuing to be classified as a temporary employee. The bill would provide that the status of a person employed to teach adult or community college classes for purposes of classification as a contract, regular, or temporary employee would be determined at the campus level rather than at the district level. The bill would specify that none of its provisions would be construed to preclude a person to whom this provision is applicable from teaching these hours at each of 2 or more colleges within a district, while being classified as a temporary employee at each campus. To the extent that this provision would impose additional duties on community college districts when they are required to determine the status of academic employees as contract, regular, or temporary employees, it would impose a state-mandated local program.

The bill would specify that none of its provisions relating to service in professional ancillary services shall be construed to affect the requirements of existing law relating to the allocation of funds to districts not meeting the requirement that districts having at least 75% of credit instruction be taught by full-time instructors. The bill would also specify that none of its provisions shall be construed to affect the Part-Time Community College Faculty Health Insurance Program and the Community College Part-Time Faculty Office Hours Program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482.5 of the Education Code is
2 amended to read:
3 87482.5. (a) Notwithstanding any other provision of law;
4 any:
5 (1) Any person who is employed to teach adult or community
6 college classes for not more than ~~60~~ 80 percent of the hours per
7 week considered a full-time assignment for regular employees
8 having comparable duties shall be classified as a temporary
9 employee, and shall not become a contract employee under
10 Section 87604.
11 (2) The status, for purposes of this section and Section 87604,
12 of any person employed to teach adult or community college
13 classes, shall be determined at the campus level rather than at
14 the district level, and nothing in this section shall be construed to
15 preclude a person to whom this section is applicable from
16 teaching not more than the 80 percent specified in paragraph (1)
17 at each of two or more colleges within a district, while being
18 classified as a temporary employee at each campus.
19 (b) Service as a substitute on a day-to-day basis by persons
20 employed under this section shall not be used for purposes of
21 calculating eligibility for contract or regular status.
22 (c) ~~(1)~~ Service in professional ancillary activities by persons
23 employed under this section, including, but not necessarily
24 limited to, governance, staff development, grant writing, and
25 advising student organizations, shall not be used for purposes of
26 calculating eligibility for contract or regular status unless
27 otherwise provided for in a collective bargaining agreement
28 applicable to a person employed under this section.
29 ~~(2) This subdivision may~~
30 (d) Subdivision (c) may not be construed to affect the
31 requirements of Section 87482.6 relating to the allocation of

1 *funds to districts not meeting the requirement that districts have*
2 *at least 75 percent of credit instruction hours taught by full-time*
3 *instructors, or to affect any of the following:*

4 *(1) The requirements of subdivision (d) of Section 84362.*

5 *(2) The Part-Time Community College Faculty Health*
6 *Insurance Program, as set forth in Article 9 (commencing with*
7 *Section 87860).*

8 *(3) The Community College Part-Time Faculty Office Hours*
9 *Program, as set forth in Article 10 (commencing with Section*
10 *87880).*

11 *SEC. 2. If the Commission on State Mandates determines that*
12 *this act contains costs mandated by the state, reimbursement to*
13 *local agencies and school districts for those costs shall be made*
14 *pursuant to Part 7 (commencing with Section 17500) of Division*
15 *4 of Title 2 of the Government Code.*

16 ~~SECTION 1. (a) The Commission on Teacher Credentialing,~~
17 ~~in consultation with the State Department of Education, shall~~
18 ~~adopt regulations to ensure that a teacher assigned to provide~~
19 ~~instruction in a career technical education course is highly~~
20 ~~qualified, as defined by subsection (23) of Section 7801 of Title~~
21 ~~20 of the United States Code.~~

22 ~~(b) The regulations adopted pursuant to subdivision (a) shall~~
23 ~~not require a person who teaches a career technical education~~
24 ~~course that does not include instruction in a core academic~~
25 ~~subject to be highly qualified, as defined in subdivision (a).~~